

Serial No. 10/664,077
Docket No. H64-154708M/MNN
NGB.296

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REMARKS

Claims 1-7 are all of the claims pending. Claims 6-7 have been added to more completely define the invention. No new matter has been added.

Applicants thank the Examiner for the courteous and productive telephone interview on April 15, 2005, in which the Examiner issued a Provisional Restriction Requirement.

In response to the Examiner's restriction requirement, Applicants hereby elect the invention of Group II (e.g., drawn to an image forming apparatus as defined by claims 4-5), with traverse. Applicants reserve the opportunity to file a Divisional Application for the non-elected invention later.

Applicants respectfully traverse the Restriction Requirement for the following reasons. Even assuming arguendo that Groups I-II are related as subcombinations and are separately usable, the Examiner's search with regard to all the Groups I-II claims would be coextensive, such that there would be no additional searching burden placed on the PTO in the examination of all the Groups I-II claims in the same application.

Further, even assuming arguendo that a slight, additional searching burden was imposed upon the PTO if all the Groups I-II claims were examined in the same application, the burden to the Applicants would be much greater in terms of financial considerations, since divisional applications are likely to be filed. Divisional applications are costly, with the present filing, issue, and maintenance fees alone being \$5,000. Thus, from a financial standpoint, Applicants' costs associated with filing and prosecuting divisional applications are believed to outweigh any additional costs (e.g., due to searching) incurred by the PTO if all claims were to be examined in the same application.

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It is noted that the claim amendments herein are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

Further, it is noted that, notwithstanding any claim amendments made herein, Applicants' intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 1756, at
(703) 872-9306, on April 22, 2005.

Respectfully Submitted,

Date:

4/22/05


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